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10/663,240

09/16/2003

D. Ridgely Bolgiano

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EXAMINER

WILSON, ROBERT W

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/663,240	Applicant(s) BOLGIANO ET AL.	
	Examiner ROBERT W. WILSON	Art Unit 2475	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6 and 34-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/10/09, 7/2/09, 7/23/09, & 8/17/09</u> . | 6) <input type="checkbox"/> Other: _____ |

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 6, 34, & 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (U.S. Patent No.; 5,056,106) in view of Tallman (6,175,308)

Referring to claim 1, Wang 106 teaches: a method for locating a subscriber unit (The system shown in Fig 1 performs the method in order to find a Handheld or subscriber unit per Fig 1) the method comprising:

transmitting from a plurality of antenna of a communication network a plurality of spread spectrum signals having an associated code (Transmitters 1, 2, 4, and 5 each of which has an antenna and is part of a communications network send a first plurality of pseudo noise coded or spread spectrum signals each having a different code per col. 4 lines 30 to 65 and col. 5 line 34 to 38)

Receiving the plurality of spread spectrum signals at the subscriber unit (hand held unit 7 or subscriber unit receives the plurality of pseudo noise coded signals per col. 4 lines 30 to 65) and determining a plurality of chip timing difference between the first plurality of spread spectrum signals wherein the plurality of chip timing difference facilitate determining the location of a subscriber unit using hyperbolas (The hand held unit 7 determines the chip timing difference between the plurality of signals in order to determining the distance to a golf hole or location of the hand held unit or subscriber unit per col. 6 line 13 to col. 7 line 52 using hyperbolic location technique per col. 7 line 53 to 61)

Displaying information indicative of the determined location of the subscriber unit (The distance to the hole or location is displayed per col. 5 line 5 to 14 and per col. 4 lines 66 to col. 5 line 15)

Wang 106 does not expressly call for: transmitting location information from the subscriber unit over the spread spectrum signal to the communication network which provides a location service

Tallman teaches: transmitting location information from the subscriber unit over the spread spectrum signal to the communication network which provides a location service (The location information message is sent to local computer 24 per Fig 1 which is part of a computer

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monitoring unit. Location information is sent from mobile unit which has a tracking unit or reader attached per col. 4 lines 15 to 20 which is in spread spectrum col. 6 line 54.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add transmitting location information from the subscriber unit over the spread spectrum signal to the communication network which provides a location service of Tallman to the processing Wang 106 in order for send data to central station in order to determine the location of the golfer as well as the golfer's speed of play.

Referring to claim 6, Wang 106 teaches: a subscriber unit capable of being located (Hand held 7 per Fig 1) the subscriber unit comprising:

Code division multiple access (CDMA) receiver configured to receive a first plurality of spread spectrum signals transmitted from a plurality of antenna of a communication network (12 per Fig 4 and Fig 5 is the CDMA receiver configured to receive a first plurality of pseudo noise coded signals over a communication network per col. 4 lines 30 to 65)

A control device configured to determine a plurality of chip timing differences between the first plurality of spread spectrum signals (14 per Fig 4 and Fig 5 determines the chip timing difference between the plurality of signals per col. 6 line 13 to col. 7 line 52)

A display configured to display the location of the subscriber unit wherein the location is derived from the plurality of chip timing difference using hyperbolas (36 per Fig 7 displays the distance or location of the handheld derived from chip timing difference per col. 6 line 13 to col. 7 line 52 using hyperbolas per col. 7 line 53 to 61)

Wang 106 does not expressly call for: CDMA transmitter configured to transmit location information from the subscriber unit over a spread spectrum signal to the communication network which provides a location service

Tallman teaches: CDMA transmitter configured to transmit location information from the subscriber unit over a spread spectrum signal to the communication network which provides a location service (Module 26 has a transmitter 30 per Fig 1 which transmits the location information from the mobile unit. The location information message is sent to local computer 24 per Fig 1 which is part of a computer monitoring unit. Location information is sent from mobile unit which has a tracking unit or reader attached per col. 4 lines 15 to 20 which is in spread spectrum col. 6 line 54.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add a CDMA transmitter configured to transmit location information from the subscriber unit over a spread spectrum signal to the communication network which provides a location service Tallman to the processing of Wang 106 in order for send data to central station in order to determine the location of the golfer as well as the golfer's speed of play

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Referring to claim 34, Wang 106 teaches: a method for use in a subscriber unit for enabling the location of subscriber unit (hand held unit 7 or subscriber unit whose distance or location is determined per col. 4 line 30 to col. 5 line 15) , the method comprising:

Receiving the first plurality of spread spectrum signals transmitted from a plurality of antennas of a communication network (hand held unit 7 or subscriber unit receives the plurality of pseudo noise coded signals from transmitters 1, 2, 4, and 5 each of which has an antenna or plurality of antennas and is part of a communication network per col. 4 lines 30 to 65 and col. 5 line 34 to 38)

determining a plurality of chip timing difference between the plurality of spread spectrum signals wherein the plurality of chip timing difference facilitate determining the location of a subscriber unit using hyperbolas (The hand held unit 7 determines the chip timing difference between the plurality of signals in order to determining the distance to a golf hole or location of the hand held unit or subscriber unit per col. 6 line 13 to col. 7 line 52 using hyperbolic location technique per col. 7 line 53 to 61)

Displaying information indicative of the determined location of the subscriber unit (The distance to the hole or location is displayed per col. 5 line 5 to 14 and per col. 4 lines 66 to col. 5 line 15)

Wang 106 does not expressly call for: transmitting location information from the subscriber unit over the spread spectrum signal to the communication network which provides a location service

Tallman teaches: transmitting location information from the subscriber unit over the spread spectrum signal to the communication network which provides a location service (A computer monitoring unit receives location information from mobile unit which has a tracking unit or reader attached per col. 4 lines 15 to 20 which is in spread spectrum col. 6 line 54. The computer monitoring unit is shown in more detail as a local unit 20 per Fig 1 which has a receiver 22 which receives the location information)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add receiving location information from a subscriber unit over a spread spectrum signal or sending the received location information to a processing device to provide location service of Tallman to the processing of Wang 106 in order for send data to central station in order to determine the location of the golfer as well as the golfer's speed of play.

Referring to claim 35, Wang 106 teaches: a method for use in a communication network having a plurality of antennas (The system shown in Fig 1 has a plurality of antennas and performs the method in order to find a Handheld or subscriber unit per Fig 1) the method comprising:

transmitting from a plurality of antenna of a network a plurality of spread spectrum signals having an associated code (Transmitters 1, 2, 4, and 5 each of which has an antenna send a first plurality of pseudo noise coded or spread spectrum signals each having a different code per col. 4 lines 30 to 65 and col. 5 line 34 to 38)

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location information at the subscriber unit is determined from a plurality of chip timing difference between the transmitted plurality of spread spectrum signals and the plurality of chip timing differences facilitating determining a location of the subscriber unit using hyperbolas (The hand held unit 7 determines the chip timing difference between the plurality of signals in order to determining location of the hand held unit or subscriber unit per col. 6 line 13 to col. 7 line 52 using hyperbolic location technique per col. 7 line 53 to 61)

Wang 106 does not expressly call for: receiving location information from a subscriber unit over a spread spectrum signal or sending the received location information to a processing device to provide location service

Tallman teaches: receiving location information from a subscriber unit over a spread spectrum signal (a computer monitoring unit receives location information from mobile unit which has a tracking unit or reader attached per col. 4 lines 15 to 20 which is in spread spectrum col. 6 line 54. The computer monitoring unit is shown in more detail as a local unit 20 per Fig 1 which has a receiver 22 which receives the location information) and sending the received location information to a processing device to provide location service (The location information message is sent to local computer 24 per Fig 1)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add receiving location information from a subscriber unit over a spread spectrum signal or sending the received location information to a processing device to provide location service of Tallman to the processing of Wang 106 in order for send data to central station in order to determine the location of the golfer as well as the golfer's speed of play.

3. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grossman (U.S. Patent No.: 3,714,573) in view of Wang (U.S. Patent No.; 5,056,106)

Referring to claim 36, Grossman teaches: a method for use in a communication network having a plurality of antennas (The system shown in Fig 1 performs the method) the method comprising:

transmitting from single of antenna of a network a spread spectrum signals having an associated code (The vehicle has a transmitter (11) which has an inherent antenna which transmits a spread spectrum signal with associated code)

a plurality of antennas configured to receive location information from the subscriber unit over a spread spectrum signal (antennas 12, 13, and 14 per Fig 1 receive position or location information from the vehicle or subscriber unit)

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a processing device configured to provide a location service using the received location information (central station or processing device receives the position or location information per col. 3 lines 1 to 15)

Grossman does not expressly call for: plurality of antenna configured to transmit a spread spectrum signal having an associated code or wherein the received location information is derived from a plurality of chip timing difference between the transmitted plurality of spread spectrum signals and the plurality of chip timing difference facilitate determining a location of the subscriber unit using hyperbolas

Wang 106 teaches: plurality of antenna configured to transmit a spread spectrum signal having an associated code (Transmitters 1, 2, 4, and 5 each of which has an antenna send a first plurality of pseudo noise coded or spread spectrum signals each having a different code per col. 4 lines 30 to 65 and col. 5 line 34 to 38) and wherein the received location information is derived from a plurality of chip timing difference between the transmitted plurality of spread spectrum signals and the plurality of chip timing difference facilitate determining a location of the subscriber unit using hyperbolas (The hand held unit 7 determines the chip timing difference between the plurality of signals in order to determining the distance to a golf hole or location of the hand held unit or subscriber unit per col. 6 line 13 to col. 7 line 52 using hyperbolic location technique per col. 7 line 53 to 61)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the plurality of antenna configured to transmit a spread spectrum signal having an associated code or wherein the received location information is derived from a plurality of chip timing difference between the transmitted plurality of spread spectrum signals and the plurality of chip timing difference facilitate determining a location of the subscriber unit using hyperbolas of Wang 106 to the processing of the system of Grossman in order to build a system which more accurately determines the position of a mobile unit.

Response to Amendment

5. Applicant's arguments with respect to claims 1, 6, & 34-36 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT W. WILSON whose telephone number is (571)272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on 571/272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert W Wilson/

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Primary Examiner, Art Unit 2475

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